

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

KERI ANN MANKIN,

§

Plaintiff,

§

v.

CIVIL ACTION NO. _____

**THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,**

§

Defendant

§

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA'S
NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant The Prudential Insurance Company of America ("Prudential"), through its undersigned counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully notices the removal of the captioned action to the United States District Court for the Eastern District of Texas from the District Court for the 16th Judicial District, Denton County, Texas. The grounds for removal are as follows:

1. Upon information and belief, on or about August 5, 2016, Plaintiff Keri Ann Mankin ("Plaintiff") filed a Petition in the District Court for the 16th Judicial District, Denton County, Texas, captioned, *Kari Ann Mankin v. The Prudential Insurance Company of America*, bearing cause number 16-06225-16 (the "State Court Action"). A copy of the Petition was first received by Prudential, through an authorized agent of process, on August 10, 2016 and is annexed hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a).

2. The State Court Action is subject to removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332 (diversity jurisdiction). In this civil action, the amount in controversy exceeds the

sum or value of \$75,000, exclusive of interest and costs, and there is complete diversity of citizenship between Plaintiff and Defendant Prudential.

THE PARTIES

3. Plaintiff was at the time the State Court Action was commenced, and currently is, resident of Denton County, Texas.

4. Prudential was at the time the State Court Action was commenced, and currently is, a corporation organized and existing under the laws of New Jersey with its principal places of business in New Jersey.

THE STATE COURT ACTION

5. On or about August 10, 2016 Prudential received service of the Summons and Petition by process server through an authorized agent of process. Accordingly, this Notice of Removal, filed within the thirty-day period prescribed by 28 U.S.C. § 1446, is timely.

6. The Petition alleges that Plaintiff, is entitled to the proceeds of a group life insurance policy payable as a result of the death of Marshall W. Mankin (the “Death Benefit”).

See Petition.

7. The Death Benefit at issue is \$152,000, exclusive of any applicable interest.

THIS COURT’S REMOVAL JURISDICTION

8. This case falls within this Court’s diversity of citizenship jurisdiction under 28 U.S.C. § 1332. Plaintiff is a citizen of Texas. Defendant Prudential is a citizen of New Jersey. Plaintiff is seeking the entire Death Benefit payable, which is equal to \$152,000 and greater than the \$75,000 minimum jurisdictional amount for diversity.

9. The timing requirements of 28 U.S.C. § 1446(b) have been satisfied in that this Notice of Removal has been filed with this Court within thirty (30) days after receipt of the

Petition by Prudential. The time for filing this Notice of Removal has not expired under 28 U.S.C. § 1446(b).

10. The United States District Court for the Eastern District of Texas is the appropriate court to which this action should be removed because this district is the district embracing actions filed in the District Court for the 16th Judicial District, Denton County, Texas.

11. Pursuant to 28 U.S.C. §1446 and the local rules for the United States District Court for the Eastern District of Texas, attached are the following:

- a. civil cover sheet (Exhibit A);
- b. certified copy of the state court docket sheet and a copy of all pleadings that assert causes of action and a copy of all process and orders served upon defendant (Exhibit B);
- c. a list of all parties in the case (Exhibit C);
- d. a list of attorneys involved in the action (Exhibit D); and
- e. the name and address of the court from which the case is being removed (Exhibit E).

12. A true and correct copy of this Notice of Removal is being served upon Plaintiff as required by law under 28 U.S.C. § 1446(d).

13. A true and correct copy of this Notice of Removal is also being filed promptly with the Clerk of the District Court for the 16th Judicial District, Denton County, Texas, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Prudential hereby removes this action, currently pending in the State of District Court for the 16th Judicial District, Denton County, Texas, to the United States District Court for the Eastern District of Texas.

Dated: September 8, 2016

Respectfully submitted,

GRAY REED & MCGRAW, P.C.

By: /s/Gayla C. Crain

Gayla C. Crain

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**ATTORNEYS FOR DEFENDANT
THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument has been forwarded by Certified Mail, return to receipt requested, to all counsel of record on this the 8th day of September, 2016 pursuant to the Federal Rules of Civil Procedure.

/s/ Gayla C. Crain

Gayla C. Crain